

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
IN RE: EPHEDRA PRODUCTS : 04 M.D. 1598 (JSR)
LIABILITY LITIGATION :
:
: Honorable Jed S. Rakoff
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PERTAINS TO:

Erika Foussadier v. MII Liquidation, Inc. f.k.a. Metabolife International, Inc.
1:05-cv-04714-JSR; and

Erika Foussadier v. MII Liquidation, Inc. f.k.a. Metabolife International, Inc.
1:06-cv-01372

STIPULATION OF DISMISSAL WITH PREJUDICE
OF DEFENDANT MII LIQUIDATION, INC. f.k.a.
METABOLIFE INTERNATIONAL, INC. AND WAL-MART STORES, INC.

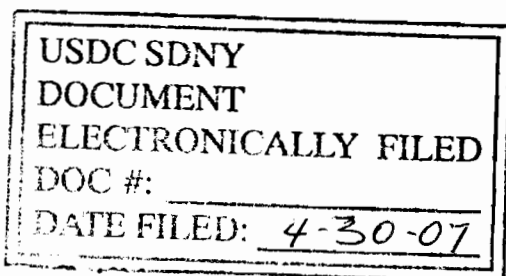
The parties hereby stipulate and agree to dismiss with prejudice certain claims in the above-captioned lawsuit pursuant to Rule 41(a)(1)(ii), as follows:

IT IS THEREFORE STIPULATED that any and all claims asserted and/or assertable by Plaintiff Erika Foussadier against Defendant MII Liquidation, Inc. f.k.a. Metabolife International, Inc. and Wal-Mart Stores, Inc. in the above-captioned lawsuit shall be DISMISSED WITH PREJUDICE.

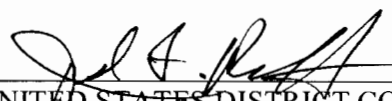
IT IS FURTHER STIPULATED that each party shall bear its own costs and fees.

SO ORDERED.

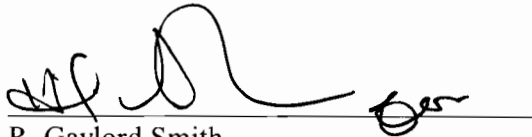
Signed this 30 day of April, 2007.



4832-8045-3633.1


UNITED STATES DISTRICT COURT
Honorable Jed S. Rakoff

AGREED TO:

A handwritten signature in black ink, appearing to read 'R. Gaylord Smith', is written over a horizontal line.

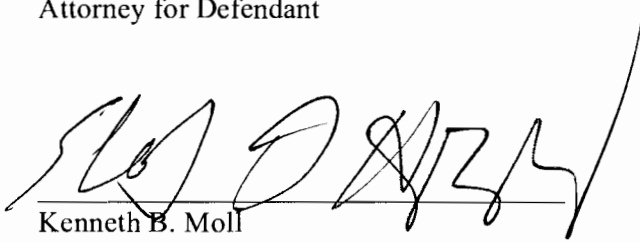
R. Gaylord Smith

LEWIS BRISBOIS BISGAARD & SMITH, LLP

550 West C Street, Suite 800

San Diego, CA 92101

Attorney for Defendant

A large, stylized handwritten signature in black ink, appearing to read 'Kenneth B. Moll', is written over a horizontal line.

Kenneth B. Moll

Kenneth B. Moll & Associates, Ltd.

Three First National Plaza, 50th Floor

Chicago, IL 60602

Attorney for Plaintiff

Foussadier v. Metabolife

USDC Docket No. 04 M.D. 1598 (JSR)

Case Nos. 1:05-cv-04714-JSR and 1:06-cv-01372-JSR

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF SAN DIEGO

I am employed in the County of San Diego, State of California. I am over the age of 18 and not a party to the within action. My business address is 550 West "C" Street, Suite 800, San Diego, California 92101.

On April 6, 2007, I served the foregoing document described as

**STIPULATION OF DISMISSAL WITH PREJUDICE
OF DEFENDANT MII LIQUIDATION, INC. f.k.a.
METABOLIFE INTERNATIONAL, INC. AND WAL-MART STORES, INC**

on all interested parties in this action by placing [X] a true copy [] the original thereof enclosed in sealed envelopes addressed as follows:

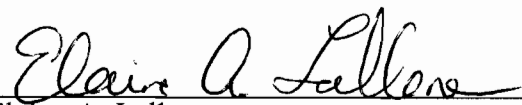
Kenneth B. Moll
Kenneth B. Moll & Associates, Ltd.
Three First National Plaza, 50th Floor
Chicago, IL 60602

Attorney for Plaintiff

[X] I HEREBY CERTIFY that a true and correct copy of the foregoing document has been forwarded to all known counsel of record pursuant to the Federal Rules of Civil Procedure, on this 6th Day of April, 2007.

[X] (FEDERAL) I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on April 6, 2007, at San Diego, California.


Elaine A. Lallana